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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO.       |
|---|-------------|----------------------|----------------------------------|------------------------|
| 10/614,551  | 07/07/2003  | William D. McKay     | RBD-106-C                        | 5860                   |
| 22440 7590 05/10/2007<br>GOTTLIEB RACKMAN & REISMAN PC<br>270 MADISON AVENUE<br>8TH FLOOR<br>NEW YORK, NY 100160601 |             |                      | EXAMINER<br>GUIDOTTI, LAURA COLE |                        |
|   |             |                      | ART UNIT<br>1744                 | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>05/10/2007          | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/614,551

Applicant(s)

MCKAY, WILLIAM D.

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-33 is/are pending in the application.
- 4a) Of the above claim(s) 13-17, 19, 24, 25, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 18, 20-23, 26-28 and 31-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 112004, 072003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 13-17, 19, 24-25, and 29-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 19 April 2007.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "524" has been used to designate both biasing spring (Page 8 Line 11) and circular member (Page 8 Line 15). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 442' (Page 6 Lines 18 and 20). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of

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the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: On Page 2 Line 6 the specification refers to "U.S. Pat. No. 4,5577,0111", however this is not a valid US Patent Number. It is unclear as to which document the specification is making reference to.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 3, 6, 10, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaffri, US 6,014,788.

Jaffri discloses the claimed invention including a body having a handle (17) and a support portion (31), the support portion receiving a particle removing material (11), the support portion including a support element extending from the handle and first and second lint roll supports (22; Figures 1-3) adapted for supporting a lint roll therebetween (11), the first and second lint roll supports (22) extending from the support element (Figures 1-3). Regarding claim 3, each lint roll support includes a leg extending from the support element (each leg is 22) and a lint roll support member carried on the legs (29). Regarding claim 6, there is a means for movably mounting each leg in the support element (Figures 10-13). Regarding claim 10, there is a lint roll support member carried on each of the legs (29; see Figures 10-13). Regarding claim 22, the body is a one piece, monolithic body (see Figures).

6. Claims 1, 3, 6-10, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Newman et al., US 2002/0187888.

Newman et al. disclose the claimed invention including a body (18, 20) having a handle (18) and a support portion (20), the support portion receiving a particle removing material (as paint roller 16 is capable of being a particle removing material, as it removes particles of paint from a paint tray or would be capable of removing other particles), and the support portion including a support element extending from the handle (22) and first and second roll supports (24, 26) capable of receiving and supporting a lint roll in between (as 24, 26 are capable of receiving roller structures), the

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first and second lint roll supports extending from the support element (as shown in Figure 2). Regarding claim 3, each lint roll support includes a leg extending from the support element (24, 26) and a lint roll support member carried on the legs (unlabeled portions shown in Figures 2-3 from which 48 and 64 extend). Regarding claims 6-7, there are means for movably mounting each leg in the support element that comprises a slide portion extending from each leg (40, 56), the slide portion movably disposed within the support element (see Figures; paragraphs 22-23). Regarding claims 8-9, there is a biasing means being a spring (70) coupled to the slide portions of each of the legs (see Figures) for normally biasing the legs toward each other at a first spacing to support a roll between the legs (paragraph 24). Regarding claim 10, there is a lint roll support member carried on each of the legs (unlabeled portions shown in Figures 2-3 from which 48 and 64 extend). Regarding claim 22, the body is a one piece, monolithic body (see Figures).

7. Claims 1-6 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sohmer, US 3,742,547.

Sohmer discloses the claimed invention including a body having a handle (12) and a support portion (11), the support portion receiving a particle removing material (10), the support portion including a support element extending from the handle (11 or 16) and first and second lint roll supports (17, 18) adapted for supporting a lint roll therebetween (11), the first and second lint roll supports (17, 18) extending from the support element (Figure 1). Regarding claims 3 and 10, each lint roll support includes a leg extending from the support element (leg is vertically oriented portion of each of 17

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and 18 that connects 17, 18 to 19, 20 respectively as shown in Figure 1) and a lint roll support member carried on the legs (21, 22). Regarding claims 4-5 and 11-12, there are means for rotatably mounting the lint roll support members on the legs that comprises a stem projecting from each leg (19, 20) and the lint roll support member rotatably mounted on the stems (Column 3 Lines 20-22; Column 2 Lines 35-46).

Regarding claim 6, there is a means for movably mounting each leg in the support element (when support element is 16, Column 2 Lines 30-46, the "means" being the metal material that exhibits an inherent spring action).

8. Claims 1, 23, 26-28, and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubino, US 5,230,303.

Rubino discloses the claimed invention including a body having a handle (21) and a support portion (11a), the support portion receiving a particle removing material (17), the support portion including a support element extending from the handle (12) and first and second lint roll supports (ends of 16) adapted for supporting a lint roll therebetween (17), the first and second lint roll supports extending from the support element (as end portions of 16 extends from 11a, see Figures 4, 5, and 7). Regarding claim 23, there is a liquid storage chamber within the handle (31; Figure 6) and fluid dispenser means disposed in a fluid communication with the liquid storage chamber for dispensing fluid (Figures 6 and 8; Column 3 Line 43 to Column 4 Line 5; includes 20). Regarding claims 26-27, the fluid dispenser means is removably mounted on the handle (via threads 29 and/or 32), via a plurality of threads carried on the handle (not labeled, see Figures 6 and 8) and a plurality of threads carried on the fluid dispenser means (29

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or 32) engageable with the threads on the handle to couple the fluid dispenser means to the handle (see Figures 6 and 8). Regarding claim 28, there is an additional cleaning element carried on the support element (nozzle from 33 that cleans with fluid).

Regarding claims 32-33, the additional cleaning element is removably mounted in the support (best shown in Figures 5 and 7) by means of a "slide-in fit" (wherein the threads acting at 30 and 32 "slide-in" to engage as a fit, Figures 6 and 8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sohmer, US 3,742,547 as applied to claim 1 in view of Manzi, US 4,519,566.

Sohmer discloses all elements mentioned above including a handle (12), however does not disclose an end cap affixed to one end of the handle.

Manzi teaches an end cap (3, 5) affixed to an end of a handle (6), the end cap comprise a hanger portion (4), and wherein the end cap is removably mounted to the handle portion (via screw 8) so that the end cap will give an implement handle a constant capacity for storage (Column 1 Lines 25-37).

It would have been obvious for one of ordinary skill in the art to modify the handle of Sohmer by including a removable end cap having a hanger portion, as Manzi teaches, in order to provide a storage means for hanging a cleaning implement.



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9. Claims 28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sohmer, US 3,742,547 as applied to claim 1 in view of Rosenkrantz, US 5,553,344.

Sohmer discloses all elements mentioned above, however does not disclose an additional cleaning element carried on the support element.

Rosenkrantz teaches a lint pick up device that includes a support element (14) that extends from a handle (18, 20), wherein there is adhesive "lint" sheets (36) supported by the support element, and there is an additional cleaning element carried on the support element (38) that is a "wipe strip" or "crumb picker" in that it is a scraping blade capable of picking up crumbs in order to loosen debris that may be stuck (Column 3 Lines 14-21). The cleaning element (38) is capable of being removably mounted in the support (in that it is shown "in the support" in Figure 1 and is capable of being removed by breaking or cutting).

It would have been obvious for one of ordinary skill in the art to modify the support element of Sohmer to further include an additional cleaning element carried thereon, as Rosenkrantz teaches, in order to provide a blade or strip or picker to further aid in loosening debris attached to a surface before attempting to employ an adhesive lint surface to pick up the debris from that surface.

10. Claims 28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 2002/0187888 as applied to claim 1 in view of Rosenkrantz, US 5,553,344.

Newman et al. disclose all elements mentioned above, however does not disclose an additional cleaning element carried on the support element.

Rosenkrantz teaches a lint pick up device that includes a support element (14) that extends from a handle (18, 20), wherein there is adhesive "lint" sheets (36) supported by the support element, and there is an additional cleaning element carried on the support element (38) that is a "wipe strip" or "crumb picker" in that it is a scraping blade capable of picking up crumbs in order to loosen debris that may be stuck (Column 3 Lines 14-21). The cleaning element (38) is capable of being removably mounted in the support (in that it is shown "in the support" in Figure 1 and is capable of being removed by breaking or cutting).

It would have been obvious for one of ordinary skill in the art to modify the support element of Newman et al. to further include an additional cleaning element carried thereon, as Rosenkrantz teaches, in order to provide a blade or strip or picker to further aid in loosening debris attached to a surface before attempting to employ an adhesive lint surface to pick up the debris from that surface.

### ***Conclusion***


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Laura C Guidotti  
Patent Examiner  
Art Unit 1744

lcg